

The regular meeting of the Town Assembly of the Village of Arden was held on June 22, 1981 with Chairman, William Press, Jr. presiding.

In attendance were:

Sarah Hamburger	Wayne Kershaw	Amy Potter Cook
Beatrice Jaffe	Beverly Gladstone	Ruth Shaw
Elizabeth Varley Walker	Shaul Gladstone	Ethel Monfort
Phyllis Wynn (N.V.)	Bernard Brachman	Larry C. Walker
Robert Wynn (N.V.)	Jean Brachman	Sam Starr
William Press	Ruth Estes	Barbara Fenske
Cy Liberman	Lee Starr	Aaron Hamburger
Rae Gerstine	Libby McKean	Mary Morley
Harold Monfort	Houston Roberts	Carolyn Liberman
Eugene Shaw	Patricia Press	David Warner
John D. Hewlett	Rowena Austin	Janet Tschopp
Frank Herzog	Bill Theis	Bertha Brooks
Jim Brooks	Marcia Jones	Marjorie Van Gulick
Joan W. Colgan	Irene R. Heymann	Susan Warner
Thomas E. Colgan	Frank J. Heymann	Marjorie Roberts
Connee McKinney	Dora Johnson	Mike Curtis
William Morley		

Minutes from March Assembly and April and May Special Town Assemblies were distributed and approved.

Reports from Standing Committees received by Town Assembly:

Trustees - Cy Liberman

Claymont Fire Company is considering building a new fire hall on Harvey Rd. near the intersection of I 95. If this is built, they will need a northbound entrance to I 95 from Harvey which may involve the widening of Harvey Rd. Since Arden has always opposed the widening of Harvey, Cy will ask the advice of Town Assembly under new business. Should the Trustees or the Town Assembly become actively involved in this proposal?

Financial report attached to minutes.

Auditing Committee

Report compiled by Alton Dahl, William Bindloss, and Gail Rinehart attached to minutes.

Budget Committee - Leon Tanzer

Committee has met twice and is soliciting budget requests from all town committees. The committee is waiting for the latest County tax schedule, which is due in a week or so, before drawing up a preliminary budget for Arden.

Civic Committee - Joan Colgan

The special Arden clean-up on May 16 was a great success.

A new home has been found for the sand/salt and other necessary material.

A fish kill was reported in Perkins Run, probably caused by the cleaning of the Swim Gild pool. We contacted the Dept. of Natural Resources and informed the manager of the pool. They will consult on future dumping of chemicals in our creek. The pool management has also been requested to flush the overflow into the sewer instead of the creek.

We have had complaints about the stone wall being constructed at the point of Marsh and Harvey Rds. According to a recent survey, the wall is on Wayne Knotts' leasehold, not on town property, and therefore is legal.

Greens and Commons:

Sweep Green - stumps have been removed.

Memorial Garden drainage ditch is a problem. We have contacted the State Highway Dept. through Gwynne Smith, our State Legislator, to determine how we can do away with the ditch. We have a drain pipe under Meadow Lane which can take the overflow from Harvey Rd. We would remove any accumulation of debris as we have in the past.

Roads: Repaving of Mill Lane and Orleans Rd. from Harvey to Millers Rd. will begin soon.

We wish to remind residents that it is illegal to park unlicensed vehicles on the town right-of-way. If cars are not removed after 30 days notice, the police will be notified and the vehicle towed away. Frank Herzog questioned the need for 30 days notice, this is a legal and practical requirement.

We urge residents to remove overhanging branches and cut hedges on the sides of the roads adjacent to their properties. Many paths, particularly the Grocery path between Orleans and Little lane, are overgrown. This is a town responsibility and we will ask Al Bratten to take care of it. We thank many Ardenites for cleaning up their leaseholds and town paths.

For trash problems during the summer contact Mary Morley, 475-7608. Dora Johnson complained that Laxton, our trash removers, neglect to cover the cans once they are emptied, the cans fill with water on rainy days. Residents are reminded not to put their cans in the front of their property, Laxton will pick them up behind the house.

Frank Heymann reported a cracked plank in the bridge over Perkins Run. We will ask Al Bratten to fix it.

Aaron Hamburger asked why the sign at Orleans and Harvey has been incomplete since last February. We have talked with the Tills, who make the signs, and explained the urgency of the problem.

Community Planning Committee - Cy Liberman

Arden has received a request from the State to sign an agreement designating our portion of the stream bed of Naamans Creek a natural conservation area. The State is attempting to have the entire stream bed so declared. The agreement will have no effect on property rights, its purpose is to increase public

awareness of natural areas. It is a public relations tool and will not restrain development of the area. Tom Colgan asked if other Arden areas, green and woodlands, could be included. An area must be nominated to be included in the natural areas register.

Registration Committee - Pat Liberman for Virginia Shaw

There are 407 residents eligible to vote at this Assembly. By direction of the Town Assembly, the Registration Committee has begun a new series of neighborhood gatherings in the various sections of Arden. The first was held at Paul Thompson's home in May for those on and very near the Green, with a good attendance of both recent and long-time Ardenites. Comments are enthusiastic. In the early fall we will continue until there has been such a meet-your-neighbor get-together in each part of town.

Having a seventh member is proving very helpful, especially in situations like the two special meetings since the last Town Assembly.

Safety Committee - Wayne Kershaw

Safety Committee has held 3 meeting at the Buzz Ware Village Center as well as 3 working meetings on Sunday mornings. The committee has also put up and buttressed various signs throughout the village and received and acted upon numerous complaints from townspeople.

We have contacted the Civic Committee to see if the roof on the Spring House, where our equipment and materials are stored, can be repaired.

The Committee has met with the Delaware State Police and instituted a police patrol covering the last half of June and the months of July and August. Cost of these patrols will be approximately \$1250.

We have met with Bert Passanante to discuss problems of Town Watch. A coordinator has been found for evening patrols, but one is still needed for the daytime watch.

The Committee is studying the feasibility of putting in a four wheel (diagonal) speed bump at the corner of Millers and Orleans Rds.

Safety Committee would like to request an additional \$650 for the above mentioned speed bump and for an extension of the State Police patrol another month into the fall.

Ardenites are urged to report robberies to the police and the Safety Committee.

Signs:

There should be no-parking signs on both sides of Inn Lane on the Green. There is increasing illegal parking on the Green, the signs only indicate one side is illegal. There was a parking problem last Sunday due to a party at the Isaacs. Isaacs had requested a special parking permit from Civic Committee, but it was refused. Safety Committee is trying to keep traffic signs to a minimum. Please call a committee member if you see a parking violation.

A one-way sign is needed at the end of Sherwood.

Bea Jaffe requested a no-outlet sign at Meadow and Pond. There is a problem, particularly in the summer with increased traffic from the swimming pool, with people ending in her driveway and having difficulty turning around.

Speed bump discussion: Both Shaul Gladstone and Aaron Hamburger spoke against the proposal. The highway department has advised against them, they are a safety hazard, hard on snowplows, and an ineffective method of speed control. Drivers resent them. How about more stop signs on Millers Rd. to reduce the speedway problem? Wayne reported that speed bumps have been effective in Ardentown.

Safety Committee needs to enforce Ordinance 11, encroachment of right-of-way. Trees and hedges on leaseholds are overgrown, obscuring intersections. Wayne did not realize this was a Safety Committee responsibility. Civic and Safety chairpeople will discuss the problem.

Hugh Roberts commended the new Safety Committee for its enthusiasm and hard work in its first few months of operation.

Buzz Ware Village Center Committee - Elizabeth Varley Walker

In March the Wilmington Montessori Association approached the BWVC with a request for additional space. The March Town Assembly instructed the BWVC and Community Planning to act as advisors concerning this request. On April 20, a special Town Assembly approved a plan allowing WMA to put up two modular classrooms. A second special Town Assembly in May reconfirmed that action. Community Planning and BWVC have met with WMA four times since March.

Wilmington Montessori has been given a module by the Tatnall School. The module can be re-sectioned and it was decided to use a 40 ft. by 40 ft. square against the block wall at the room #4 end of the building. WMA will add a new roof, siding, and landscaping to the module to make it attractive. The two town committees plan further meetings with WMA to oversee the progress of the construction.

The roof at the Buzz Ware Center needs major repair or possible replacing. The BWVC is getting estimates for the needed work.

Anyone with suggestions for programs at BWVC should contact any committee member.

The placement of the Montessori module will entail moving one basketball standard slightly and adding a little to the blacktop area. The 150 square feet needed for the module is a little larger than originally planned for the first module. The second module will need the approval of Town Assembly. Montessori and the committee have not decided where the second module should be placed. It may cause a problem with the light pole. Since the lights are already a problem, they are too tall for light bulb changing, it might be better to install a street light such as the Arden Club installed in the auxilliary parking lot.

Tom Colgan expressed distress that the first module is larger (40 sq. ft. as opposed to 26X50 ft.) than the one agreed upon.

Responding to Connee McKinney's questions, Liz said this placement will not require a zoning variance and will be used, as far as she knows, for elementary aged children exclusively.

BWVC report accepted - 35 yes, 10 no.

Playground Committee - Frank Heymann

Inspections were held April 5 & May 31. A work session was held April 27. Swings were painted. Repair of the baseball back-stop and planting of 3 trees in the fall are planned. Please report any unsafe conditions observed to a member of the committee.

Lee Starr felt the concrete pieces (balance beams) were unsafe, a child could easily fall and hit his head.

Assessors - Harold Monfort

Official report attached to minutes.

Bob Wynn argued that the modification of the domicile rule is contrary to single tax philosophy, he will challenge the change in Chancery Court. Mike Curtis felt that the definition of full rental value is not specifically spelled out in leases. He agreed with the concept of the domicile rule, but felt the Assessors have not substantiated such a radical change with current market date.

Harold Monfort offered to give an unofficial estimate of 1981/82 land tax figures to any leaseholder upon request. Alternative assessments can be presented at the September meeting.

Advisory Committee - Hugh Roberts

A motion defining election procedures for filling vacancies on the Board of Assessors will be presented under old business.

Arden Arts Acquisition Committee - Hugh Roberts

The bus trip on June 7th was a success for the 24 people who attended. We lost approximately \$22 on the first trip, however if we hold additional trips, the attendance should be better. The feeling of the attendees was to go to Baltimore Harbor and the Baltimore museum next time out.

Old Business

Moved by Hugh Roberts for Advisory Committee: Be it resolved that the Registration Committee keep a record of runners-up in the proportional representation election. In the event that an elected member can no longer serve, the last defeated candidate will fill the open position. Motion passed unanimously.

Mr. Lantz's request to enlarge his property was referred to Community Planning at the March Assembly. Cy Liberman reported that the committee, in consultation with the Trustees, denied this request, they could see no way of collecting more land rent to cover the enlargement.

New Business

Cy Liberman moved that The Town Assembly Chairman be empowered to sign a document placing the Naamans stream bed on the State Register of Natural Areas. Several people questioned the value and implications of such a document. Motion passed - 32 yes, 5 no.

Barbara Fenske presented a plan for changing the format of the budget submitted to referendum. She recommended removing the approve/disapprove box from the top of the budget, feeling it makes it too easy for residents to vote without examining the budget in detail. She suggested adding spaces for voters to write-in alternative figures for items they disapprove. The sense of the discussion was that voters have the opportunity to express disagreement now, and frequently do. Budget changes should properly be presented at Town Assembly.

Ethel Monfort reminded all committees that we are getting lax about posting notices announcing meetings. In accordance with the Sunshine Law, three notices, including a proposed agenda, should be posted for any committee meeting. Sally Hamburger has forms for this.

Discussion of proposed Fire Hall at I 95 and Harvey. Concerned Ardenites should attend the public meeting on the subject. Mike Curtis suggested that Arden give a larger donation to the Fire Company, we have special need of their protection.

Joan Colgan moved that the Town Assembly Secretary be instructed to send letters supporting the passage of the Bottle Bill to Representative Gwynne Smith and Senator Myrna Bair. Motion passed unanimously.

Jim Brooks, Safety Committee, moved that Town Assembly extend \$650 from the contingency fund to the Safety Committee to continue the special police patrols from mid-September through mid-October. The patrols currently operate on 3 hour shifts at varying times in the evening and afternoon. Each patrol costs \$50. Since the patrols have just started, it is impossible to judge their value yet. Any fines collected will come to the town, Paul Thompson is in charge of monitoring this. Motion passed unanimously.

Jim urged residents to take a more active part in protecting our village. Report anything unusual to the police. In Arden, contact the County Police, on Harvey Rd. contact the State Police.

Good and Welfare

Mike Curtis reported that Senator Neil has drafted legislation to promote land taxation in Delaware. Please urge our legislators to support Senator Neil.

Mike commended Bill Press for running a fair Town Assembly, one in which all viewpoints are heard.

Meeting adjourned.

Sarah Hamburger

Sarah Hamburger, Secretary

"You Are Welcome Hither"

TRUSTEES OF ARDEN
CECIL LIBERMAN
WILLIAM A. MORLEY
SHAUL GLADSTONE

Arden

FINANCIAL REPORT

MARCH 25, 1981 - JUNE 22, 1981

RAE F. GERSTINE
SECRETARY TO THE TRUSTEES
TELEPHONE 475-7094

Balance in Bank March 25, 1981

\$ 16,209.77

Receipts

1979-1980 Land Rent	2,141.09
1980-1981 "	2,705.56
1981-1982 "	70,929.36
Penalties	559.49
Arden Book	5.00
Savings withdrawn	10,000.00
Investments "	44,785.61
Accrued taxes	209.57
Miscellaneous Income & Int. earned	3,754.11

135.089.79

\$151,299.56

Disbursements

Commons & Forests	2,448.62
Roads	2,619.00
Trash	5,516.00
Special Clean-up	500.00
Town Salaries	584.25
Registration Committee	488.31
Safety Committee	425.25
Playground Committee	50.00
Hall	330.00
Fire Company	500.00
ACRA	350.00
Arden Page	100.00
Arden 80th Birthday	252.74
Taxes- Co.-School	64.64
Payroll Taxes	129.67
Rentals 1981-82 collected	18,500.41
Savings	6,000.00
Investments	105,000.00
Administrative expenses	3,083.83

146,942.72

Balance in Bank June 22, 1981

\$ 4,356.84

Secretary's	570.00
Rent	300.00
Audit	570.00
Insurance	1563.00
Misc.	80.83
	<u>3,083.83</u>

Respectfully submitted,

Rae F. Gerstine

Rae F. Gerstine

Secretary

BUDGET FOR YEAR

<u>BUDGET</u>		<u>3/25/81 - 6/22/81</u>
Roads	10,000.00	2,619.00
Commons & Forests	11,000.00	2,448.62
Town Salaries	2,338.00	584.25
Arden Page	100.00	100.00
Hall	330.00	330.00
Fire Company	500.00	500.00
ACRA	350.00	350.00
Town Trash Collection	22,000.00	5,516.00
Buzz Ware Village Center	500.00	-
Registration Committee	1,000.00	488.31
Playground Committee	1,200.00	50.00
Safety Committee	1,500.00	425.25
Contingencies	1,000.00	-
Taxes-County-School	90,321.00	64.64
Administrative Expenses	6,000.00	3,083.83
	<u>\$ 148,139.00</u>	<u>\$ 16,559.90</u>

CHECKING ACCOUNT	\$ 4,356.84
SAVINGS ACCOUNT	1,906.80
INVESTMENTS	<u>151,000.00</u>
	\$ 157,263.64

VILLAGE OF ARDEN
REPORT OF THE AUDITING COMMITTEE
JUNE 22, 1981

The Auditing Committee has reviewed the accounting procedures currently in use by the Village and found them to be generally satisfactory and in accordance with accepted accounting procedures. We have reviewed the detailed audit prepared by C. W. Von Dreele, C.P.A. (New York) and find it to be accurate and complete.

Net expenses for the fiscal 1980-81 year were \$14,000 less than anticipated by the Village budget. This difference resulted principally from \$6,000 higher than expected interest income, \$2,000 overrun in commons and forests, \$2,000 unexpended from the contingency fund and \$6,000 lower than anticipated school district taxes.

The overrun in commons and forests was the result of clean-ups required after severe storms and had been properly reviewed with appropriate Village committees and officials. As indicated by the current budget, expenses for roads and the commons and forests fund are interchangeable and unexpended funds may be carried over to the following year. The current audit indicates the \$5,218.24 carryover from the previous year was entirely expended and that combining budgeted amounts for the two funds for the 1980-81 fiscal year resulted in all budgeted monies being spent. Consequently, no carryover was established for the succeeding year.

Expenses for roads and the source of the money are detailed below.

	<u>Roads Expense</u>			
	<u>General Fund</u>	<u>Street Aid Fund</u>	<u>Revenue Sharing Fund</u>	<u>Total</u>
Repaving & Related Costs	\$6,599.00	\$6,628.00	\$ -	\$13,227.00
Snow Removal & Sanding	-	1,269.83	2,006.64	3,276.47
Other Road Expenditures	6,948.25	-	2,321.00	9,269.25
Reserve at Beginning of Year	(5,218.24)	-	-	(5,218.24)
	<u>\$8,329.01</u>	<u>\$7,897.83</u>	<u>\$4,327.64</u>	<u>\$20,554.48</u>

Auditing Committee 1980-81
Alton J. Dahl
William Bindloss
Gail Rinehart

REPORT OF THE ARDEN BOARD OF ASSESSORS
FOR LAND RENT DUE MARCH, 1982

June 22, 1981

This report covers action taken in seven meetings, including two public hearings, held between December 8, 1980 and June 5, 1981.

Mr. John Grimaldi, our Convenor and Chairman, moved from the Village and resigned in March, 1981. Mr. Donald Halcomb was selected by the Town meeting of March, 1981, to fill the membership vacancy. Mrs. Elizabeth Varley Walker was elected Chairwoman on April 23, 1981.

In an early session, the Board (1 to 5 with one abstention) denied a motion to allocate land rent to the leaseholds solely on the basis of area.

The Board voted 7 to 0 to use the definition of "FULL RENTAL VALUE" developed by the previous Board.

The Board gave a written opinion to the Trustees with regard to their question relating to the proper administration of the domicile rule.

A letter was received from Mr. Robert Wynn advising the Board of the possibility that he would take legal action if the Board made "significant deviations from the principles set forth in the Deed of Trust and lease agreement".

The Public Hearings were sparsely attended. One couple voiced objection to paying extra land rent for the advantage of listening to the noise and cleaning up the litter made by people using the Village Green.

After thorough review of the rent list, the New Castle Building Code and the domicile rule, the Board voted 7 to 0 to modify the domicile rule, in order to approach more closely the goal of full rental value for each leasehold rented by the Arden Trust, as follows:

"The base rent for any leasehold which, for the purpose of producing income or other value consideration, contains more than one domicile in the form of separate dwellings or apartments, shall be equal to the rent at the "first 2000 sq. ft." times the number of domiciles, or the rent at the "first 2000 sq. ft." rate for the entire leasehold--whichever is the lesser. All land in excess of the "first 2000 sq. ft." rate times the number of domiciles shall be subject to the "above 2000 sq. ft." rate.

For the previous several years, the domicile rule was "The base rent for any leasehold which, for the purpose of producing income, contains more than one domicile in the form of separate dwellings or apartments, shall be equal to the rent at the "first 6500 sq. ft." rate times the number of domiciles, or the rent at the "first 6500 sq. ft." rate for the entire leasehold--whichever is the lesser. All land in excess of the "first 6500 sq. ft." rate times the number of domiciles shall be subject to the "above 6500 sq. ft." rate.". In March of 1981, leaseholds were billed for land rent at the rate of \$43.60 per M sq. ft. for the "first 6500 sq. ft." and at \$26.70 per M sq. ft. for the "above 6500 sq. ft."

The choice of 6500 sq. ft. as a domicile area descended from a prior use of 10,000 sq. ft.--both of which had, as their precedent, the use of such areas in the New Castle County Zoning Code for communities zoned as "single family residential". In its search for logical area to be assigned a higher value because it could and did accomodate a domicile, previous Boards have overlooked the fact that a number of leaseholds in Arden are indeed "multifamily" units--a situation primarily stemming from apartments which were being rented prior to start of Zoning in the 1950's. Some of these units provide as low as 2142 sq. ft. per domicile, which corresponds almost exactly to the 2178 sq. ft. per family stipulated under R-4 District. Other areas even lower--1600 sq. ft. and 1089 sq. ft. per family are mentioned in other high density areas. With this precedent, the Board felt fully justified in altering the "domicile area" to 2000 sq. ft.

In order to raise the same amount of money as in March of 1981, the Board voted 7 to 0 to set a provisional rate schedule of \$79.38 for the "first 2000 sq. ft." and \$26.70 per M sq. ft. for the "above 2000 sq. ft." rate. Had this domicile rule been in effect in March, 1981, with the provisional rate schedule, 238 domiciles situated on leaseholds offering 6500 or more sq. ft. per domicile would have paid \$4.40 less than they did and the equivalent of 10 (whole and fractional) domiciles would have paid an additional amount ranging from a few dollars per domicile to as much as about \$100. Under the modified rule, all domiciles will be "assigned" an area of 2000 sq. ft. and will pay an equal amount to the community for the use of that land. The area of the leaseholds in excess of that accounted for by the domiciles will pay the "above 2000 sq. ft." rate.

The Board voted 7 to 0 to use the same Woods and Greens and Commercial factors as in 1981 as follows:

- | | |
|--|---------|
| 1. Leaseholds adjacent to the Arden or Sherwood Forest | add 10% |
| 2. Leaseholds fronting on the Arden or Sherwood Forest
(i.e. across and intervening road) | 5% |
| 3. Leaseholds fronting on or adjacent to any of the Greens
(Village, Sherwood, Meadow or Communal) | 5% |
| 4. Leaseholds being used commercially either under commercial
zoning or non-conforming use in residential area. | 75% |

The factors for any leasehold which has one side partially adjacent to or fronting on a forest or green shall be adjusted by the ratio of the fronting or adjacent footage to the total footage of that side of the leasehold.

The FULL RENTAL VALUE of lands leased by the Arden Trust is defined as the sum of the net costs of the Village, normally expressed by these considerations:

1. The amount required each September to pay the County and School tax levied on the Arden Trust.
2. The amount that the Community desires to spend for its "standard of living" as indicated by recent referenda.
3. The amount needed to maintain a prudent reserve which will ensure the flexibility needed by the community in considering its next referendum.

The accounting steps used in determining the FULL RENTAL VALUE for the 1982-83 fiscal year are:

1. The money needed for the County tax.	\$ 25,500
2. " " " " " School "	65,000
3. Trustees administrative expense.	6,500
4. Provide for the desires of the residents.	54,000
5. Prudent reserve (1/2 of item 1 plus 2).	<u>45,000</u>

Total money required for 1982-1983 \$196,000

6. Less expected surplus from 1981-1982.	53,000
7. Less Interest and other income.	9,000
8. Less income from Woods, Greens & Comm. factors.	<u>4,500</u>

Portion of FULL RENTAL VALUE of Arden to
be raised by basic rates. \$129,500

The Board voted 7 to 0 to raise rates about 3% to obtain about \$129,500 as compared to the \$126,00 needed last year.

The Board voted 7 to 0 to set the basic rates at:

\$81.75 per M sq. ft. for the "first 2000 sq. ft."
\$27.50 per M sq. ft. for the "above 2000 sq. ft."

The Board voted 7 to 0 to limit the increase in the March, 1982, rent attributable to the change in the domicile rule to 35% of the calculated increase and to recommend to future Boards that the full effect of the change be reached during the following two years in two approximately equal increments. This action was taken to allow reasonable time for affected leaseholders to adjust to the revised domicile rule.

Senior citizens who may be eligible for County tax rebate are urged to call the Village of Arden Treasurer.

This report, along with minutes and other references generated during the tenure of this Board, has been placed in the Arden Archives at the Village Center under the care of the Arden Archivist. It is recommended that the Town Clerk advise the Convenor of the next Board of Assessors to obtain those records prior to the first meeting and also furnish advice as to timing of the first meeting and as to legal requirements and procedures.

Respectfully submitted to the Town Assembly of Arden on June 22, 1981.

Aaron Hamburger

Donald Halcomb

Harold Montfort, sec'y.

William Morley

William Press

Eugene Shaw

Elizabeth Varley Walker Chair